

Laws and Regulations

This chapter of laws, regulations, and permit information is by no means comprehensive. It is meant to provide:

- an introduction to the responsibilities of certain Federal and State agencies,
- an overview of some relevant laws,
- a look at the General Permit for Discharges from Marinas, and
- a synopsis of information about other pertinent permits and licenses.



Selected Federal Agencies and Their Jurisdictions

The **Environmental Protection Agency (EPA)** is responsible for ensuring that environmental protections are considered in U.S. policies concerning economic growth, energy, transportation, agriculture, industry, international trade, and natural resources; ensuring national efforts to reduce environmental risk are based on the best available scientific information; and providing access to information on ways business, state and local governments, communities, and citizens can prevent pollution and protect human health and the environment. The Office of Water is responsible for implementing, among other laws, the Clean Water Act, portions of the Coastal Zone Act Reauthorization Amendments of 1990, the Resource Conservation and Recovery Act, and the Marine Plastics Pollution Research and Control Act. Activities are targeted to prevent pollution wherever possible and to reduce risk to people and ecosystems in the most cost effective manner.

The mission of the **National Oceanic and Atmospheric Administration (NOAA)**, an agency within the U.S. Department of Commerce, is to describe and predict changes in the earth's environment and to conserve and wisely manage the nation's coastal and marine resources to ensure sustainable economic opportunities. NOAA provides a wide range of observational, assessment, research, and predictive services for estuarine and coastal ocean regions. NOAA has developed an array of programs to address national-scale estuarine issues and specific problems affecting individual estuarine and coastal ocean systems. In partnership with EPA, NOAA implements the Coastal Zone Act Reauthorization Amendments of 1990.

The **United States Army Corps of Engineers (COE)** is responsible for ensuring adequate flood control, hydropower production, navigation, water supply storage, recreation, and fish and wildlife habitat. The Corps contracts and regulates coastal engineering projects, particularly harbor dredging and beach renourishment projects. They also review and permit coastal development and artificial reef projects. A joint permit from the Maryland Department of the Environment and the Army Corps of Engineers is required for all dredging projects.

The **United States Coast Guard**, an arm of the U.S. Department of Transportation, protects the public, the environment, and U.S. economic interests. They promote maritime safety and marine environmental protection, enforce maritime law, tend all Federal navigation aids, and regulate and monitor recreational and commercial vessels and waterfront facilities.

Selected State Agencies and Their Jurisdictions

The **Critical Area Commission** works with local contacts to implement the Chesapeake Bay Critical Area Act. The Act is designed to protect the Chesapeake Bay and its tributaries from resource degradation by mandating land use restrictions within 1,000 feet of mean high water or from the edge of tidal wetlands.

The mission of the **Maryland Department of Natural Resources (DNR)** is to “inspire people to enjoy and live in harmony with their environment, and to protect what makes Maryland unique— our treasured Chesapeake Bay, our diverse landscapes and our living and natural resources.” DNR coordinates all natural resources activities within the State affecting the State’s bays and tributaries, fisheries, forests, parks, wildlife, and geology. The Department oversees State land acquisition and management and historic preservation. Additionally, DNR reviews and evaluates all natural resources policies, plans, programs, and practices of county, State, regional, and Federal agencies, and institutions. The Maryland Natural Resources Police serve to preserve and protect Maryland’s natural resources and its citizens by enforcing all conservation, boating, and criminal laws and by serving as the primary search and rescue agency on Maryland waters and in remote areas of the State. DNR is the lead agency for the Clean Marina Initiative and is responsible for the Sewage Pumpout Program.

The **Maryland Department of the Environment (MDE)** seeks to protect and restore the quality of Maryland’s air, land, and water resources while fostering economic development, healthy and safe communities, and environmental education for the benefit of the environment, public health, and future generations. MDE oversees the restoration and maintenance of ground and surface waters and wetland habitats. They provide technical and scientific analysis and data for regulatory activities, make environmental risk assessments, monitor air pollutant levels, develop strategies and regulations to control air emissions, oversee toxic and hazardous waste clean up, and coordinate emergency response activities. Most State environmental permits are issued by MDE. The Environmental Permits Service Center is available to help business owners identify and comply with applicable permits.

Maryland Environmental Service (MES) is a quasi-public water, wastewater, and solid waste management utility offering planning, management, financing, design, construction, and operations and maintenance services. When MES was created in 1970, it was directed “to encourage reduction in the amount of waste generated and discharged to the environment.” Maryland Environmental Service maintains the 1-800-4-RECYCLE hotline.

Maryland Environmental Trust (MET) promotes growth management— the protection of rural areas and significant resources— to discourage sprawling development patterns. Among other programs, MET operates a conservation easement program. A conservation easement is an agreement between a landowner and the Trust ensuring that a property will not be developed beyond an agreed limit. The agreement provides for permanent protection of significant natural resources and can create income, estate, and property tax benefits to the landowner without detriment to rights of ownership, occupancy, and privacy.

Selected Federal Laws that Impact Marinas

Clean Air Act Amendments, 1990

As a result of the 1990 Clean Air Act Amendments, the “gasoline marine final rule” establishes emission standards for new spark-ignition gasoline marine engines. Outboard engines and gasoline marine engines used in personal watercraft and jet boats are covered by the rule. Because sterndrive and inboard engines offer cleaner technologies, emission standards were not set for these types of engines.

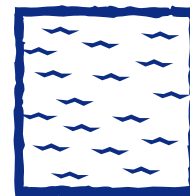
Boat engines currently in use are not affected by this regulation. Boat owners are in no way responsible for making modifications to their current engines to meet the standards. Likewise, boat dealers are not responsible for compliance with this regulation. The regulation does require that manufacturers of outboard and personal watercraft marine engines achieve yearly emission reductions by meeting a corporate average emission standard which allows them to build some engines to emission levels lower than the emission standard and some engines to emission levels higher than the standard, provided the manufacturer’s overall corporate average is at or below the standard.

Clean Vessel Act (CVA)

The Clean Vessel Act (CVA) provides funds to states to construct, renovate, and operate marine sewage pumpout stations and to conduct boater environmental education. Contact the Maryland Department of Natural Resources for information about receiving up to \$15,000 in grant funding to install a pumpout system.

Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) provided the impetus for the Maryland Clean Marina Initiative. Section 6217 of the Amendments require that nonpoint source pollution from marinas be contained. Through the Clean Marina Initiative, Maryland is promoting voluntary adoption of best management practices to minimize the impact of marinas on surrounding land and water.



Federal Water Pollution Control Act

The Federal Water Pollution Control Act, commonly known as the Clean Water Act, addresses many facets of water quality protection. It provides the authority for the National Pollutant Discharge Elimination System (NPDES) permit program for point sources of pollution. The Act prohibits the discharge of oil or hazardous substances into U.S. navigable waters. It also prohibits the use of chemical agents like soaps, detergents, surfactants, or emulsifying agents to disperse fuel, oil, or other chemicals without the permission of the U.S. Coast Guard.

All vessels 26 feet in length and over are required to display a placard that is at least 5 by 8 inches, made of durable material, and fixed in a conspicuous place in the machinery spaces or at the bilge pump control station. The placard must read:

Discharge of Oil Prohibited

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon, or discoloration of, the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5,000.

The Clean Water Act requires that the U.S. Coast Guard be notified anytime a spill produces a sheen on the water. Failure to report a spill may result in civil penalties. Report spills to (800) 424-8802.

Furthermore, the Act prohibits the discharge of raw sewage within U.S. waters and requires that all recreational boats with installed toilets have an operable marine sanitation device on board (see “State Laws” below).

Marine Plastic Pollution Research and Control Act (MPPRCA)

The Marine Plastic Pollution Research and Control Act (MPPRCA) is the U.S. law that implements an international pollution prevention treaty known as MARPOL. The MPPRCA of 1987 (Title II of Public Law 100-220) restricts the overboard discharge of garbage. Its primary emphasis is on plastics; it is illegal to dispose of plastic materials into the water anywhere. The disposal of other garbage is restricted according to a vessel’s distance from shore.

- ◆ Within U.S. lakes, rivers, bays, sounds, and within 3 nautical miles from shore, it is illegal to dump plastic, paper, rags, glass, metal, crockery, dunnage (lining and packing material, nets, lines, etc.), and food.
- ◆ Between 3 and 12 nautical miles from shore, it is illegal to dump plastic and any other garbage that is greater than one inch in size.
- ◆ Between 12 and 25 nautical miles from shore, it is illegal to dump plastic and dunnage.
- ◆ Beyond 25 nautical miles, it is illegal to dump plastic.

The dumping restrictions apply to *all* vessels operating in *all* navigable waters of the United States and the 200 mile Exclusive Economic Zone. All vessels greater than 26 feet must display a MARPOL placard outlining the garbage dumping restrictions. All vessels over 40 feet must also have a written waste management plan on board.

Under the national law, ports and terminals, including recreational marinas, must have adequate and convenient “reception facilities” for their regular customers. That is, marinas must be capable of receiving garbage from vessels that normally do business with them (including transients).

Oil Pollution Act of 1990 (OPA)

The Oil Pollution Act of 1990 (OPA) was written in direct response to the *Exxon Valdez* oil spill. The law primarily addresses commercial oil shipping (e.g., tankers must be double-hulled, captains may lose their licenses for operating a vessel under the influence of drugs or alcohol). Some of the requirements are applicable to recreational boating, however. Most notably, the responsible party for any vessel or facility that discharges oil is liable for the removal costs of the oil and any damages to natural resources; real or personal property; subsistence uses; revenues, profits, and earning capacity; and public services like the cost of providing increased or additional public services. The financial liability for all non-tank vessels is \$600 per gross ton, or \$500,000, whichever is greater. Also, substantial civil penalties may be imposed for failing to report a spill, for discharging oil, for failure to remove oil, failure to comply with regulations, and gross negligence.

Organotin Antifoulant Paint Control Act (OAPC) of 1988

The Organotin Antifoulant Paint Control Act restricts the use of organotin antifouling paints, including tributyl tin-based paints. Tributyl tin (TBT) paints may be used only on aluminum-hulled vessels, on boats larger than 82 feet (25 meters), and on outboard motors and lower drive units. Under the provision of the State antifoulant paint law (Agriculture Article §5-901) marina operators must obtain a license from the Maryland Department of Agriculture to purchase and apply organotin antifouling paints and hire a certified pesticide applicator. It is illegal for anybody without a license to distribute, sell, use, or possess antifoulants containing tributyl tin. The only exception is for private use of spray cans that are 16 ounces or less and which do not exceed the release rate of less than or equal to 5.0 micrograms per square centimeter per day.

Refuse Act of 1899

The Refuse Act of 1899 prohibits throwing, discharging, or depositing any refuse matter of any kind (including trash, garbage, oil, and other liquid pollutants) into waters of the United States.

Resource Conservation and Recovery Act (RCRA)

The Federal Resource Conservation and Recovery Act (RCRA) provides the legal authority to establish standards for handling, transporting, and disposing of hazardous wastes. The Maryland hazardous waste regulations are based on RCRA and the State Environment Article.

Hazardous wastes are ignitable, corrosive, reactive, and/or toxic. Hazardous waste “generators” are those individuals or companies that produce greater than 100 kilograms (about 220 pounds or 30 gallons) of hazardous waste during one calendar month or who store more than 100 kg at any one time. The following requirements apply to all hazardous waste generators.

- ◆ All generators and transporters of hazardous waste must apply to the Maryland Department of the Environment (MDE) for an Environmental Protection Agency (EPA) identification number. Use EPA Form 8700-12 (available from MDE).
- ◆ Store hazardous waste in UL listed or Factory Mutual approved containers that are labeled and marked according to Department of Transportation regulations (refer to 49 CFR 178). Mark the date accumulation begins on each container. Store containers on pallets to prevent corrosion in an area able to contain any leaks. Keep containers closed unless waste is being added or removed. Inspect containers weekly.



- ◆ Store quantities of waste greater than 100 kg (220 lbs) but less than 500 kg (1,100 lbs) for a maximum of 180 days. Any quantity of waste greater than 500 kg can be stored for a maximum of 90 days.
- ◆ Prepare a written emergency contingency plan if you produce or accumulate more than 100 kg (220 lbs) of hazardous waste. Copies must be given to MDE and local agencies.
- ◆ Document all hazardous waste training in each employee's personnel file. All personnel who handle hazardous waste must receive training to ensure compliance with the State regulations.
- ◆ Anybody who sends hazardous waste offsite for treatment, storage or disposal must prepare a manifest. Ensure that all of the information on the manifest is correct. The hazardous waste manifest must accompany all hazardous wastes "from cradle to grave." It is *your* responsibility to insure that the driver and the vehicle are certified to handle hazardous waste. Each transporter of the hazardous waste must receive and sign the manifest as should the owner or operator of the treatment, storage, or disposal facility. A final copy must be returned to the generator once the waste has been properly treated, stored, or disposed.
- ◆ Submit a bi-annual report to MDE that summarizes hazardous waste activities during odd numbered years. It is recommended, but not mandatory, to report figures for even numbered years too.
- ◆ Retain all records, including manifests and waste analysis and annual reports, for at least three years. The files must be available for inspection by MDE.

Facilities that generate less than 100 kg of hazardous waste per month and which do not accumulate more than 100 kg of waste at any one time are considered "small quantity generators." Small quantity generators are not required to register with the EPA. Hazardous waste from small quantity generators should be sent to a disposal facility that is permitted, licensed, or registered by the State to manage municipal or industrial solid waste.

Selected State Laws that Impact Marinas

Marine Sanitation Devices

The Federal Clean Water Act and Maryland State law (Natural Resources Article §8-741) require that any vessel with an installed toilet be equipped with a certified Type I, Type II, or Type III marine sanitation device (MSD):

- *Type I* systems mechanically cut solids, disinfect the waste with a chemical additive or with chlorine disassociated from salt water with an electronic jolt, and discharge the treated sewage overboard. The fecal coliform bacteria count of the effluent may be no greater than 1,000 per 100 milliliters and may not contain any floating solids.

- *Type II* systems are similar to Type I systems except that the Type IIs treat the sewage to a higher standard: effluent fecal coliform bacteria levels may not exceed 200 per 100 milliliters, and total suspended solids may not be greater than 150 milligrams per liter. Type IIs also require more space and have greater operating energy requirements.
- *Type III* systems do not allow sewage to be discharged. The most common form of a Type III system is a holding tank. Other forms include recirculating and incinerating systems.

Vessels 65 feet and under may have any of the three types of MSDs. Vessels over 65 feet must have a Type II or III system. Additionally, Type I and Type II systems must display a certification label affixed by the manufacturer. A certification label is not required on Type III systems.

The State law allows a vessel with an installed toilet to have a “Y” valve or other means to by-pass the sanitation system. Within State waters, including the entire Chesapeake Bay and its tributaries, however, all pathways for overboard discharge of raw sewage must be secured. The “Y” valve may be secured with a padlock or a non-reusable nylon tie known as a wire tie. Alternatively, the valve handle can be moved to the closed position and removed.

Finally, any vessel with an installed toilet that is offered in Maryland as a noncaptained charter must be equipped with an operational MSD. The lease agreement signed by the leasing party must include a paragraph outlining the operator’s responsibility under Natural Resources Article §8-741.

Pumpout Systems

Maryland law, Environment Article §9-333, requires the following types of facilities to have pumpout stations.

- ◆ Existing marinas wishing to expand to a total of 11 or more slips and that are capable of berthing vessels that are 22 feet or larger.
- ◆ New marinas with more than 10 slips and that are capable of berthing vessels that are 22 feet or larger.
- ◆ Marinas with 50 or more slips and that berth any vessel over 22 feet in length. Marinas with 50 or more slips must be able to accept waste from portable toilets as well as from holding tanks.



Pollutant Discharge Prohibited

State Environment Article §9-322 prohibits the discharge of any pollutant into State waters without a discharge permit.

Chesapeake Bay Critical Area Act

Maryland enacted the Chesapeake Bay Critical Area Protection Program (Natural Resources Article §8-1801-1816 and COMAR, Title 27) in 1984. The program minimizes damage to water quality and natural habitats by fostering more sensitive development along the Chesapeake Bay. The Critical Area Law is meant to:

- ◆ minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- ◆ conserve fish, wildlife, and plant habitat; and
- ◆ establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.



The Critical Area encompasses all waters and submerged lands of Chesapeake Bay to the head of tide and all lands and waters within 1,000 feet of mean high water or from the edge of tidal wetlands. The 100 feet of land closest to the mean high water line is a nearly development-free buffer. Only “water-dependent” facilities, like marinas, are permitted in the buffer. An activity is water-dependent if it cannot exist outside of the buffer and is dependent on the water by the intrinsic nature of its operation (COMAR 27.01.03.01). Non-water dependent structures associated with marinas, such as tackle shops or dry storage areas, are not permitted in the buffer. The siting of marinas is further restricted to Intensely Developed Areas and Limited Development Areas within the Critical Area.

In a given area, the Critical Area is designated as one of three land-use zones: Intensely Developed Areas (IDAs), Limited Development Areas (LDAs), and Resource Conservation Areas (RCAs). New marinas and commercial boat docking facilities normally are not permitted in Resource Conservation Areas. New or expanded marinas generally are allowed in Intensely Developed Areas and Limited Development Areas provided that it can be shown that:

- ◆ they are water-dependent;
- ◆ the project meets a recognized private right or public need;
- ◆ adverse effects on water quality and fish, plant, and wildlife habitat are minimized;
- ◆ insofar as possible, nonwater-dependent structures or operations associated with water-dependent projects or activities are located outside the buffer; and
- ◆ the facilities are consistent with an approved local water-dependent facilities plan as specified in COMAR 27.01.03.03.

Critical Area criteria require that the impacts of any development or redevelopment within the Critical Area be reduced by adopting measures to control stormwater runoff. The extent of the required management measures differ depending upon whether you are sited within a Resource Conservation Area, Limited Development Area, or Intensely Developed Area. Any water-

dependent expansions in the Resource Conservation Area and new development in Limited Development Areas must limit impervious area to 15 percent of the project site. Stormwater facilities must be designed to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its pre-development state. Water-dependent development within the Resource Conservation Area is further constrained as marinas and other commercial boat docking facilities proposing expansion in the Resource Conservation Area must demonstrate a net improvement in water quality for project approval (COMAR 27.01.03.06).

For Intensely Developed Areas, the criteria specify that management measures must reduce post-development pollutant loading to a level that is 10 percent below the load generated at the same site prior to development. This requirement is commonly referred to as the "10 Percent Rule." Contact your local Critical Area representative (see *Appendix II*) for guidance on complying with the 10 Percent Rule.

While the Critical Area Law is a State law, it is implemented at the local level. Counties and municipalities along the Chesapeake Bay and its tidal tributaries have developed local Critical Area Programs. The programs vary slightly from county to county so local programs and ordinances should always be consulted. Local water-dependent permit approval processes must be based upon consideration of how well the proposed project addresses the following eight areas of concern (COMAR 27.01.03.04).

- ◆ Activities will not significantly alter existing water circulation patterns or salinity regimes.
- ◆ The water body upon which the activities are proposed has adequate flushing characteristics in the basin area.
- ◆ The disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be avoided and/or minimized.
- ◆ The adverse impacts to water quality that may accrue as a result of these activities, such as non-point source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized.
- ◆ Shellfish beds will not be disturbed or be made subject to discharge that will make them unsuitable for harvesting.
- ◆ Dredging will be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area.
- ◆ Dredged material will not be placed within the buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area except as necessary for a) backfill for permitted shore erosion protection measures, b) use in approved vegetative shore erosion projects, c) placement on previously approved channel maintenance material disposal areas, and d) beach nourishment.
- ◆ Interference with the natural transport of sand will be minimized.

All projects proposed for the Critical Area must be reviewed by local Critical Area programs. Proposals for extensive projects may also be reviewed by the State Critical Area Commission. Proposals are evaluated to determine how the project will impact the following resources.

- ◆ Submerged aquatic vegetation (SAV)
- ◆ Tidal and nontidal wetlands
- ◆ Shellfish beds
- ◆ Rare, threatened, or endangered species
- ◆ Spawning, nursery, or propagation areas for anadromous fish
- ◆ Shallow water habitat
- ◆ Colonial waterfowl nesting sites
- ◆ Existing riparian forests
- ◆ Forests with interior dwelling bird species
- ◆ Natural heritage areas
- ◆ Tributary streams
- ◆ Waterfowl staging areas

The following mapping and narrative information must be provided with all proposals.

Mapping Information: Vicinity Sketch; Floodplain; Wetlands; Bathymetry; Soil Types; Steep Slopes; Upland Natural Areas, Areas of Critical State Concern, Chesapeake Bay Critical Area Boundaries and Habitat Protection Areas; Spawning Areas, Nursery Areas, Submerged Aquatic Vegetation and Shellfish Beds; Buffers; and Areas of Clearing, Limits of Disturbance, and Construction Areas.

Narrative Information: Rare and Endangered Species; Vegetative Description; Animals; Stormwater Management; Pollutants; Shoreline Protection Measures; Mitigation; Calculations; and Flushing and Water Quality Provisions (except for “minor” expansions).

Environmental Permits and Licenses

General Permit for Discharges from Marinas (No. 01MA)

Who must obtain a permit?

In 1990, EPA implemented regulations requiring permits for stormwater discharges from certain activities. The stormwater permit program requires that certain marinas classified by the Office of Management and Budget with Standard Industrial Classification (SIC) system number 4493 be covered by a National Pollution Discharge Elimination System (NPDES) permit. Any marina or boat yard that conducts boat maintenance activities, including

pressure washing, or that has wastewater discharges must apply for coverage under a permit. In Maryland, this permit is known as the General Permit for Discharges from Marinas. This permit authorizes the discharge of boat and equipment washing water, stormwater runoff from boat maintenance areas, treated bilge water, noncontact cooling water, and condensate discharges. In order to comply with the permit, marina operators must develop a stormwater pollution prevention plan and implement best management practices to ensure that wastewater and stormwater leaving the marina property will not harm the quality of the surrounding waters.

How does one apply for the permit?

To obtain coverage, an applicant must submit a notice of intent (NOI) form to the Maryland Department of the Environment (MDE) along with the required application fee. The fee varies from \$100 to \$500 depending upon the number of slips. Notice of intent forms are available from the Industrial Discharge Permits Division of MDE.

Upon notification of acceptance of the NOI by the Maryland Department of the Environment, the marina is authorized to discharge in accordance with the special conditions listed below. The plan must be available for review by MDE.

Wash Water

- ◆ Remove suspended solids from wash water using such methods as straw dam filters, geotextiles, settling basins, or sand filters.
- ◆ Wash water may not be discharged to State waters if detergents or other chemical cleaning agents are used.
- ◆ Discharge of wastewater from the cleaning of engines or other oily parts is prohibited.

Treated Bilge Water

- ◆ All discharges of treated bilge water to surface waters or discharged for reuse in the power wash system shall be monitored monthly at each point of discharge. A professional lab must do the analysis.
- ◆ Total residual oil and grease may not exceed 15 part per million (ppm).

Cooling Water

- ◆ All discharges of noncontact cooling water to surface waters shall be monitored monthly at each point of discharge. Marina staff may do the analysis themselves provided an appropriate meter is used. Standard swimming pool test kits are not acceptable.
- ◆ Total residual chlorine may not exceed 13 parts per billion (ppb).

Condensate

- ◆ Discharge of condensate that comes into contact with petroleum products or causes erosion is prohibited.



Accidental Discharge of Oil or Hazardous Substances

- ◆ In the event of an oil spill, the discharger must notify MDE at (410) 974-3551 and the National Response Center at (800) 424-8802 or (202) 426-2675 in the Washington, DC metropolitan area.
- ◆ Within 10 days of becoming aware of a release, the permittee must submit a written description of the release to MDE.
- ◆ The stormwater pollution prevention plan required as a condition of the general permit must be modified within 14 day to include a description of the release and to identify measures to prevent and respond to a recurrence.
- ◆ Facilities which have more than one anticipated discharge per year of the same hazardous substance or oil which is caused by events occurring within the scope of the relevant operating system shall, likewise, report the release to MDE and identify measures to prevent or minimize such releases.

Stormwater

- ◆ The permittee must develop and implement a Stormwater Pollution Prevention Plan. The plan must identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity at the facility. Additionally, the plan shall describe and insure the implementation of practices to reduce pollutants in stormwater discharges from the facility. Refer to *Box 5* for a general outline and *Appendix XII* for a template of a Stormwater Pollution Prevention Plan.
- ✧ For additional guidance in developing a Stormwater Pollution Prevention Plan, refer to: *Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices* and an EPA-published summary document on the same subject. Both are available for a fee from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone (800) 553-6847.
- ◆ For existing marinas and boatyards, the plan must be completed within one year of obtaining coverage under this permit. The facility must be in compliance with the terms of the plan within 18 months of receiving coverage.
- ◆ For new facilities, the plan must be completed and implemented prior to submitting a Notice of Intent for coverage under the general permit.
- ◆ Upon request, the plan must be submitted to MDE. The permittee may then be notified that the plan does not meet one or more of the minimum requirements. In such an event, the permittee must amend the plan and submit a written certification to MDE that the requested changes have been made.
- ◆ The permittee shall amend the plan whenever there is a change in design or operation that will have a significant effect on the potential for pollutants to be discharged to State waters. The plan shall also be amended if it proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity.

Box 5. Contents of a Stormwater Pollution Prevention Plan

1. Pollution prevention team
 2. Description of potential pollutant sources
 3. Site map indicating drainage, maintenance, and storage areas
 4. Inventory of materials exposed to precipitation
 5. List of significant spills and leaks that occurred in the 3 most recent years
 6. Sampling data describing pollutants in stormwater discharges from the facility
 7. Summary of potential pollutant sources and identification of associated risks
 8. Description of stormwater management controls
 - A. Good housekeeping
 - B. Preventative maintenance
 - C. Spill prevention and response procedures
 - D. Inspections
 9. Employee training
 10. Record keeping and internal reporting procedures
 11. Non-stormwater discharges
 12. Sediment and erosion control
 13. Comprehensive site compliance evaluation
 14. Consistency with other plans
 15. Special requirements for stormwater discharges associated with industrial activity to municipal separate storm sewer serving a population of 100,000 or more
 16. Salt storage facilities located on fresh water
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Table 3. Summary of Environmental Permits and Licenses

The following table was adapted from *Business Guide to Environmental Permits and Approvals* (MDE 1998). For assistance determining which State requirements apply to you, contact MDE's Environmental Permits Service Center. Contact your local Office of Economic Development (see *Appendix VII*) for assistance with local permitting and regulatory requirements. Or, you may consult the online Business License Information System (BLIS) at www.blis.state.md.us. It is a system to help people identify which licenses and permits are needed to operate a business in Maryland.

Information Sources

Appendix I

Maryland
Department of the
Environment

- Environmental
Permits Service
Center
- Industrial
Discharge Permits

Maryland
Department of
Natural Resources

- Waterway and
Greenways
Division

National Technical
Information Service

Appendix XII

Stormwater Pollution
Prevention Plan

Air Quality General Permit to Construct and Operate Small Stationary Gasoline Storage Tanks

- ◆ Operators of gasoline tanks in the 2,000-20,000 gallon range need to apply for an Air Quality General Permit to Construct Small Stationary Gasoline Storage Tanks. This requirement applies to both underground and aboveground gasoline storage tanks. All facilities covered by the permit must have Stage I Vapor Recovery. That is, there must be a mechanism to collect vapors that are released as fuel is transferred from a delivery truck to the storage tank.

Certain facilities are also required to have Stage II Vapor Recovery: a mechanism to collect vapors that are lost during refueling of motor vehicles (e.g., any vehicle that is required to be registered with the Motor Vehicle Administration). The Stage II requirements apply to facilities in Baltimore City and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties that dispense more than 10,000 gallons of gasoline per month. Facilities in these counties that dispense less than 10,000 gallons per month do not need to have Stage II Recovery devices or fulfill the other permit requirements related to testing, inspections, training, and signage. They do, however, have to maintain records of gasoline throughput and tank sizes. The records must be made available to MDE upon request.

To obtain coverage under the Air Quality General Permit, submit a "request for coverage" form to MDE along with the onetime fee of \$200. The form, a fact sheet and a copy of the permit are available at www.mde.state.md.us/arma/Programs/Aqpermit/aqpermit.html. For additional information, contact MDE's Air and Radiation Administration at 410-537-3230.

Oil Operations Permit

- ◆ Marina operators are required to obtain an Oil Operations Permit from the Maryland Department of the Environment (MDE) if they have the capacity to store an aggregate of 10,000 gallons or more of petroleum in aboveground storage tanks. Prior to February 2002, marinas were exempt from this permit if they had less than 50,000 gallons of storage capacity. Applicants for the Oil Operations Permit (required by COMAR 26.10.01.07) must submit three forms to MDE:
 1. **Oil Operations Permit Application General Form:** a one-page document for general information such as facility name and address.
 2. **Oil Operations Permit Application Form A:** A four-page document for recording more detailed information such as the type of operation (e.g., oil storage) and descriptions of tanks.
 3. **Plan for Notification, Containment and Clean-up of Oil Spills:** This three-page form helps marina operators to document what actions would be taken in the event of a spill and what types of response materials are available on site. This form could be incorporated into

a Spill Prevention Control and Countermeasure Plan (SPCC) by reference if the facility also needs an SPCC plan. (The SPCC program is implemented and enforced by the federal U.S. EPA rather than at the State level by MDE.)

For copies of the forms and additional information, contact MDE's Oil Control Program at 410-537-3386 or visit MDE's website at www.mde.state.md.us/was/oilcont/index.html. There is no fee for this permit although operating without a permit is a violation subject to penalties and fines.

Table 3. Summary of Environmental Permits and Licenses, page 1 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Construction in Chesapeake Bay Critical Area	Local Chesapeake Bay Critical Area Protection Program Approval	Local ordinances and Natural Resources Article §8-1801-1816	To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands; conserve fish, wildlife, and plant habitat; and establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.	Must address Critical Area Criteria	See <i>Appendix II</i> for local Critical Area contacts Critical Area Commission 45 Calvert Street, 2nd Floor Annapolis, MD 21401 (410) 260-7516
General construction activities	Land use and zoning approvals	Local/county ordinances	To comply with local land use policies (e.g., building permits, use and occupancy permits, grading permits)	Vary	County Office of Economic Development (see <i>Appendix VII</i>)

Table 3. Summary of Environmental Permits and Licenses, page 2 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Any construction activity in Maryland that disturbs 5,000 sq. ft. or more of land or results in 100 cubic yards or more of earth movement	Erosion and Sediment Control Approval Stormwater Management Approval	STATE: Environment Article, Title 4, Subtitle 1 for erosion and sediment control and Subtitle 2 for stormwater management. These statutes are further defined in COMAR 26.09.01 and 26.09.02.	To reduce stream channel erosion, pollution, siltation, and local flooding caused by land use changes	STATE/FEDERAL PROJECTS: Erosion/sediment control plans are reviewed and approved by MDE. They must meet the 1994 standards and specifications for soil erosion and sediment control, and adhere to the Erosion and Sediment Control Guidelines issued by MDE in 1990 and the 1987 Stormwater Management Guidelines for State and Federal projects. ALL OTHER PROJECTS: Plans for private sector projects are reviewed by local authorities; generally a soil conservation district or municipality.	County Office of Economic Development (see <i>Appendix V/I</i>) MDE Water Management Administration (410) 631-3543 MDE Nonpoint Source Control Program Ken Pensyl (410) 631-3563 MDE Inspection and Compliance Program Jack Bowen (410) 631-3532 Lois McNamara (410) 631-3556

Table 3. Summary of Environmental Permits and Licenses, page 3 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Any construction activity that disturbs 5 or more acres	NPDES Stormwater Permit for Construction Activity	FEDERAL: Clean Water Act, Section 402 for stormwater discharge permits and 40 CFR 122.26 STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.04	To maintain after development, as nearly as possible, the pre-development runoff conditions	In addition to the erosion and sediment control and stormwater management requirements cited above, <i>all</i> projects that disturb 5 or more acres must submit a Notice of Intent (an application form) to comply with MDE's stormwater general permit for construction activity (an NPDES permit).	MDE Inspection and Compliance Program Lois McNamara (410) 631-3556

Table 3. Summary of Environmental Permits and Licenses, page 4 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Discharge of boat and equipment wash water, stormwater runoff from boat maintenance areas, noncontact cooling water, and condensate discharges	NPDES General Permit for Discharges from Marinas	FEDERAL: Clean Water Act, Section 402 for stormwater discharge permits and 40 CFR 122.26 STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.04.09	To control pollution generated from runoff associated with industrial activity	Any marina or boat yard that conducts boat maintenance activities, including washing, and has wastewater or stormwater discharges must apply for coverage under the General Permit for Discharges from Marinas unless they have a valid individual discharge permit or coverage under 97-SW ¹ . In order to receive coverage under the permit, applicants must develop and implement a stormwater pollution prevention plan.	MDE Industrial Discharge Permit Division Patsy Allen or Edward S. Gertler (410) 631-3323

¹ 97-SW is the latest edition of the general discharge permit for stormwater associated with industrial activity. It expires November 30, 2002.

Table 3. Summary of Environmental Permits and Licenses, page 5 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Any work that may change a tidal wetland	Tidal Wetland Licenses and Permits	STATE: Environment Article Title 16; COMAR 08.05.05	To protect wetlands because of their importance to humans and animals	Chesapeake Bay Critical Area Protection Program approval is required for most projects within 1,000 ft of a tidal waterway. All conditions of Tidal Wetlands Licenses or Permits must be met during the construction phase. Many projects also require local building permits.	MDE Wetlands and Waterways Program Richard J. Ayella (410) 631-8075
Any work that will change the course, current or cross-section of a nontidal stream or body of water. Also, any plan to fill in the 100-year floodplain or construct, reconstruct, repair, or maintain any development within the floodplain	Construction Permit for Activities within the 100-Year Floodplain (Nontidal Wetlands and Waterways Permits)	STATE: Environment Article Title 5, Subtitle 501 through 514; COMAR 08.05.03	To prevent, wherever possible, further degradation and losses of nontidal wetlands due to human activity; and wherever practicable and feasible, to offset unavoidable losses or degradations through the deliberate restoration or creation of nontidal wetlands	Engineering analysis is required for bridges, culverts, filling, and other construction. Also, environmental impacts, including impacts to nontidal wetlands, instream fisheries, wildlife, endangered species, and habitat associated with the proposed project and alternatives to reduce or eliminate adverse impacts are required.	MDE Wetlands and Waterways Division Terry Clark (410) 631-8094

Table 3. Summary of Environmental Permits and Licenses, page 6 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Any of the following activities in a nontidal wetland or its buffer: grading or filling; excavating or dredging; changing existing drainage patterns; disturbing the water level or water table; and destroying or removing vegetation.	Proposed Activities in Nontidal Wetlands (Nontidal Wetlands and Waterways Permits)	FEDERAL: Section 10 of the Rivers and Harbors Act of 1899 ² ; Section 404 of the Clean Water Act ³ STATE: Environment Article Title 5, Subtitle 5-901, et seq., COMAR 08.05.04	To prevent, wherever possible, further degradation and losses of nontidal wetlands due to human activity; and wherever practicable and feasible, to offset unavoidable losses or degradations through the deliberate restoration or creation of nontidal wetlands	Wetland mitigation construction or monitoring requirements may be required in many instances and may extend well beyond construction of an approved mitigation project.	MDE Wetlands and Waterways Division Terry Clark (410) 631-8094
Discharge of sewage and grey water from a marina's private sewage treatment plant to groundwater	Groundwater Discharge Permit	Environment Article, Title 9, Subtitle 3; COMAR 26.08.01-4 and 26.08.07	To control the disposal of treated municipal or industrial waste water into the State's groundwater via spray irrigation or other land-treatment applications	Must be included in county water and sewer plans. MDE must make a preliminary site evaluation. A hydrogeological study of the proposed site may be required.	MDE Water and Wastewater Permits Program Dr. Ching-Tzone Tien (410) 631-3662

²Regulates all work and structures in navigable waters of the United States.

³US COE permits are issued or denied to regulate discharges of dredged or fill materials in navigable waters of the U.S., including wetlands.

Table 3. Summary of Environmental Permits and Licenses, page 7 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Discharge of sewage and grey water from a marina's private sewage treatment plant to surface water	Surface Water Discharge Permit	FEDERAL: Federal Clean Water Act STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01-.04	To maintain water quality standards in the water receiving the discharge	Must be included in county water and sewer plan. Must meet all effluent limits, monitoring requirements, and other permit conditions.	MDE Water and Wastewater Permits Program Stephen Luckman (410) 631-3671
Storage of 1,000 gallons or more of used oil or 10,000 gallons or more of oil in an above-ground tanks or operation of an oil transfer facility	Oil Operations Permit	Environment Article §4-405; COMAR 26.10.01	Spill prevention and control	Spill prevention and response training; spill contingency plans; spill prevention and containment equipment; detection and control of spills	MDE Oil Control Program Horacio Tablada or Greg Sonberg (410) 631-3386
To load or unload oil within the State	Oil Transfer License	Environment Article §4-411; COMAR 26.10.01.06	Submit quarterly reports indicating volume and method of transfer into State and the fee paid	Report number of barrels transferred to MDE	MDE Oil Control Program Horacio Tablada or Cindy Keller (410) 631-3433

Table 3. Summary of Environmental Permits and Licenses, page 8 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
Anybody who installs, removes, upgrades, repairs, or retrofits an underground storage tank must be certified	Underground Storage Tank (UST) Installers Certification	Environment Article §4-405; COMAR 26.10.06	To protect groundwater from leaks caused by improperly installed or removed USTs	PRE-APPROVAL: Demonstrated knowledge of the principles of proper UST installation and State requirements. POST-APPROVAL: Continued proper installation. Certification must be renewed every 2 years. Also, check with county and local authorities before work begins	MDE Oil Control Program Horacio Tablada or Cindy Keller (410) 631-3433
To operate a charcoal, pit barbecue, small fuel burning equipment, and/or a small stationary gasoline storage tank	General Air Quality Permit to Construct	Environment Article, Title 2, Subtitle 4; COMAR 26.11.02	To control emissions	Vary depending upon type of activity. May include control of visible emissions, inspection, training, and/or record keeping.	MDE Air Quality Permits Program John Scherer (410) 631-3289

Table 3. Summary of Environmental Permits and Licenses, page 9 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
To operate a paint spray booth	Air Quality Permit to Construct	FEDERAL: Federal Clean Air Act, Section 110 and Title V, 42 U.S.C. 7401 et seq. STATE: Environment Article Title 2, Subtitle 4; COMAR 26.11.02.01 through 26.11.02.21	To ensure that any new, modified, replaced, or relocated source of air pollution complies with all air quality requirements. Air quality standards have been adopted to protect public health, vegetation, and forests.	PRE-APPROVAL: Before an Air Pollution source is constructed or modified, a permit must be obtained from MDE, Air and Radiation Management Administration. POST-APPROVAL: Periodic emissions tests and/or reports may be required depending on the nature of the operation and its emissions.	MDE Air Quality Permits Program Nolan Penney (410) 631-3219
To apply antifoulant paints containing tributyl tin	TBT Applicators License	FEDERAL: Organotin Antifoulant Paint Control Act STATE: Agriculture Article §5-901; COMAR 15.05.01	Restrict use of TBT to vessels >25 m or that have aluminum hulls and to outboard and lower drive units	It is unlawful for anybody other than an owner or agent of a commercial boatyard to possess, distribute, sell, offer for sale, use, or offer for use any paint containing a TBT compound (except for spray can ≤16 oz)	Maryland Department of Agriculture Pesticide Regulation Section 50 Harry S. Truman Pkwy Annapolis, MD 21401 (410) 841-5710

Table 3. Summary of Environmental Permits and Licenses, page 10 of 10

Activity	Permit/License	Authority	Purpose	Requirements	Contact
If you will generate 100 kg of hazardous waste in a calendar month or accumulate this amount at any one time	Notification of Hazardous Waste; EPA Identification Number for Generators, Transporters, and Treatment/Storage/Disposal (TSD) Facilities	FEDERAL: RCRA - Section 3010; 40 CFR Part 262.12, 263.11, and 264.11 STATE: COMAR 26.13.03.03, 26.13.04.01B and 26.13.05.02B	To ensure proper storage and disposal of hazardous wastes	A generator may not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA Identification Number. A generator may not offer hazardous waste to transporters or to a TSD facility that has not received an EPA Identification Number.	MDE Hazardous Waste Program Harold L. Dye, Jr. or Emily Troyer (410) 631-3344